

## REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 51-55 are pending.

Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the case in better form for appeal.

35 U.S.C. §102

Claims 51-55 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,790,935 to Payton (hereinafter, “Payton”). Applicant respectfully traverses the rejection.

Payton describes an information system that delivers information to local subscribers. The system is illustrated in Fig. 2 and describes a distribution server (24), a digital transport system (26), and a local server (28) connected to a subscriber (32). The distribution server stores information that is transmitted to the local server via the transport system where the information is made available to the subscriber. (see Fig. 2; col. 4, lines 45-54).

Payton describes only one transport system (26) to transmit information from server (24) to local server (28). Pending claim 51, however, recites two networks to serve content from a server to a local service provider. Specifically, claim 51 recites “a content provider, comprising...” “a server connected to the storage system to serve the content to a local service provider...”, “the server serving the content via the *first network* to the local service provider”, and “a

1 transmitter, responsive to the server, to transmit content over a *second network* to  
2 the local service provider.”

3 Payton does not show or disclose a server to serve content to a local service  
4 provider via a first network, and a transmitter responsive to the server to transmit  
5 content over a second network to the local service provider, as recited in claim 51.

6 The Office suggests that Payton describes a second network (30) to transmit  
7 information from server (24) to local server (28) (*see* Payton Fig. 2) (*Office Action*  
8 p.2). To the contrary, Payton describes a back channel (30) between local server  
9 (28) and distribution server (24) (col. 6, lines 51-55). The back channel is not  
10 described as a network to serve content from a server to a local service provider as  
11 recited in claim 51.

12 Payton does not show or disclose two networks to serve content from a  
13 server to a local service provider as recited in claim 51. Accordingly, claim 51 is  
14 allowable over Payton and Applicant respectfully requests that the §102 rejection  
15 be withdrawn.

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17 Claims 52-55 are allowable by virtue of their dependency upon claim 51.

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1                    **Conclusion**

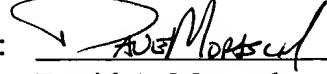
2                    Pending claims 51-55 are in condition for allowance. Applicant  
3                    respectfully requests reconsideration and issuance of the subject application. If  
4                    any issues remain that preclude issuance of this application, the Examiner is urged  
5                    to contact the undersigned attorney before issuing a subsequent Action.

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7                    Respectfully Submitted,

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9                    Dated: July 29, 2002

10                  By:   
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